

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CR 331
)	
v.)	
)	
CAMERON HOLLIS,)	REPORT AND RECOMMENDATION
)	
Defendant.)	

An evidentiary hearing was held before the undersigned on April 30, 2007 on the defendant's motion to suppress statements. The government adduced evidence, and the court heard the arguments of counsel. In accordance with the decision announced from the bench at the conclusion of the hearing, from the totality of the circumstances I find that the government has failed to meet its burden to show that the defendant waived his Miranda rights knowingly with an appreciation of his state and the consequences of his actions. I further find, however, that the evidence demonstrates that the defendant spoke with the officers voluntarily, that is, there is no evidence of any overreaching, threatening, or otherwise untoward conduct on the part of the police officers which overbore the defendant's will to remain silent.

IT THEREFORE HEREBY IS RECOMMENDED to the Hon. Laurie Smith Camp, United States District Judge, pursuant to 28 U.S.C. §636(b)(1)(B) that the defendant's motion to suppress be granted in part and denied in part, as follows:

1. The motion be granted insofar as it claims the defendant did not knowingly waive his rights under Miranda v. Arizona, 384 U.S. 436 (1966); and

2. The motion be denied insofar as it claims the defendant did not voluntarily speak with officers on the day of his arrest.

The parties are given ten days following the filing of the transcript of the hearing in which to file objections to this Report and Recommendation. The parties are notified that failure to object to this recommendation as provided in the local rules and this order may result in a waiver of the right to appeal the district judge's adoption of findings in the recommendation.

Dated May 1, 2007

BY THE COURT

s/ *David L. Piester*
United States Magistrate Judge